

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

KENNETH LEE ROE, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )       No. 3:05-CV-538  
                        )  
(Shirley)  
OAKMONT RESORT CONDOMINIUM )  
ASSOCIATION, INC.,      )  
                        )  
Defendant.           )

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 29].

The plaintiff seeks leave to file the deposition transcript of Troy Seiber, whose deposition was taken on August 31, 2006. [Doc. 86]. The defendant opposes the plaintiff's motion, arguing that Seiber's deposition is irrelevant and immaterial to the pending summary judgment motion. The defendant further argues that the plaintiff's request is overbroad in that it seeks to file the entire transcript. [Doc. 89]. In the event that the Court allows the plaintiff to file this deposition transcript, the defendant requests an extension of time to file a supplemental brief pursuant to Local Rule 7.1(d). [Doc. 88].

For good cause shown, the plaintiff's Motion for Leave to File Deposition Transcript [Doc. 86] is **GRANTED**. While the plaintiff has represented that the deposition transcript is not lengthy, the Court nevertheless expects the plaintiff to file only those excerpts of the deposition

which are directly germane to the motion for summary judgment under consideration by the Court.

The defendant's Motion to Amend Rule 16(b) Case Management Scheduling Order and for Extension [Doc. 88] is **GRANTED** to the extent that the defendant shall have five (5) days from the plaintiff's filing of the deposition transcript in which to file a supplemental brief pursuant to Local Rule 7.1(d).

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge